

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
S. ROE) Before the Examiner
) Nguyen, Huong Q.
Application No. 10/737,026)
) Group Art Unit
Filed December 16, 2003) 3736
)
FLEXIBLE TEST STRIP LANCET DEVICE) Confirmation No. 5585

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Interview Summary

During the December 13, 2006, the Examiner was authorized to cancel claims 24-30 to place the application in condition for allowance. The Interview Summary properly reflects this cancellation of claims 24-30.

Comments on Reasons for Allowance

The applicant wishes to thank the Examiner for the Notice of Allowance. In the Notice of Allowance, the Examiner provided reasons for allowance. The applicant's representative has reviewed the Examiner's statement of reasons for allowance. It is agreed that the prior art of record fails to teach or render obvious the claims pending in the present application. However, it is not believed that reasons for allowance were necessary in this case. Reasons for allowance are only warranted in instances in which the record of prosecution as a whole does not make clear the Examiner's reasons for allowing a claim. In the present case, it is believed that the record as a whole does make reasons for allowance clear, and therefore no statement by the Examiner is warranted.

Furthermore, the applicant(s) do not necessarily agree with each statement in the reasons for allowance. The applicant(s) do(es) not acquiesce to any inference or presumption drawn from the Examiner's statements regarding the reasons for allowance. As stated in the MPEP at 1302.14, "[t]he examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable [and the] examiner's statement should not create an *estoppel*."

Each claim is allowable because each claim recites a combination of elements not disclosed or suggested by any of the references. The invention resides in the combination of elements as variously recited in the claims, and not in the presence of any one or a few particular elements or limitations, or in the presence of any particular claim. Further, it is understood that each claim stands on its own merits.

Respectfully submitted,

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